



## **JOINT NOTICE OF APPEAL**

### **Part 1: Identity of the Appellants**

1. Names of the appellants:  
LCM XXII Ltd., LCM XXIII Ltd., LCM XXIV Ltd., LCM XXV Ltd., LCM 26 Ltd.,  
LCM 27 Ltd., and LCM 28 Ltd.
2. Position of appellants in the adversary proceeding that is the subject of this appeal:  
Defendants.

### **Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from:  
Order on Summary Judgment, ECF No. 141.<sup>1</sup> A copy is attached as Exhibit “A.”
2. State the date on which the judgment, order, or decree was entered:  
April 6, 2023

### **Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. LCM Appellants

**HOLWELL SHUSTER & GOLDBERG LLP**  
Michael Shuster (admitted *pro hac vice*)  
Vincent Levy (admitted *pro hac vice*)  
Neil R. Lieberman (admitted *pro hac vice*)  
Alison B. Miller (admitted *pro hac vice*)  
Brian T. Goldman (admitted *pro hac vice*)  
Patrick J. Woods (admitted *pro hac vice*)  
425 Lexington Avenue  
New York, New York 10017  
Email: mshuster@hsgllp.com  
vlevy@hsgllp.com  
nlieberman@hsgllp.com  
amiller@hsgllp.com  
bgoldman@hsgllp.com  
pwoods@hsgllp.com

---

<sup>1</sup> The Bankruptcy Court entered the same order twice, first at ECF No. 141, and then again minutes later at ECF No. 142. Because the two entries are duplicative, the LCM Appellants list only the first-in-time entry in Part 2 above. For the avoidance of doubt, the LCM Appellants intend to appeal from the Bankruptcy Court’s Order on Summary Judgment, regardless of which docket entry is deemed controlling.

-and-

**McKool Smith, PC**

John J. Sparacino (SBN 18873700)

S. Margie Venus (SBN 20545900)

Regan S. Jones (SBN 24110060)

600 Travis Street, Suite 7000

Houston, Texas 77002

Telephone: (713) 485-7300

Facsimile (713) 485-7344

Email: jsparacino@mckoolsmith.com

mvenus@mckoolsmith.com

rjones@mckoolsmith.com

2. Appellee: Serta Simmons Bedding, LLC

**WEIL, GOTSHAL & MANGES LLP**

Ray C. Schrock (admitted *pro hac vice*)

David J. Lender (admitted *pro hac vice*)

Alexander W. Welch (admitted *pro hac vice*)

Luna N. Barrington (admitted *pro hac vice*)

Richard D. Gage (admitted *pro hac vice*)

Taylor B. Dougherty (admitted *pro hac vice*)

Joseph R. Rausch (admitted *pro hac vice*)

Michael P. Goodyear (admitted *pro hac vice*)

Nicholas J. Reade (admitted *pro hac vice*)

767 Fifth Avenue

New York, NY 10153

Tel: (212) 310-8000

Fax: (212) 310-8007

Email: Ray.Schrock@weil.com

David.Lender@weil.com

Alexander.Welch@weil.com

Luna.Barrington@weil.com

Richard.Gage@weil.com

Taylor.Dougherty@weil.com

Joseph.Rausch@weil.com

Michael.Goodyear@weil.com

Nick.Reade@weil.com

-and-

Gabriel A. Morgan  
Stephanie N. Morrison  
700 Louisiana Street, Suite 1700  
Houston, TX 77002  
Tel: (713) 546-5040  
Fax: (713) 224-9511  
Email: Gabriel.Morgan@weil.com  
Stephanie.Morrison@weil.com

3. Appellees:

Barings LLC  
Boston Management and Research  
Credit Suisse Asset Management, LLC  
Eaton Vance Management  
Invesco Senior Secured Management, Inc.

**GIBSON, DUNN & CRUTCHER LLP**

Gregg Costa (24028160)  
811 Main Street, Suite 3000  
Houston, TX 77002  
Telephone: (346) 718-6600  
Facsimile: (346) 718-6620  
Email: gcosta@gibsondunn.com

-and-

Orin Snyder (admitted pro hac vice)  
Amanda M. Aycock (admitted pro hac vice)  
C. Lee Wilson (admitted hac vice)  
Akiva Shapiro (admitted pro hac vice)  
200 Park Avenue  
New York, NY 10166  
Tel: (212) 351-4000  
Fax: (212) 351-4035  
Email: osnyder@gibsondunn.com  
aaycock@gibsondunn.com  
clwilson@gibsondunn.com  
ashapiro@gibsondunn.com

-and-

Helgi C. Walker (admitted pro hac vice)  
1050 Connecticut Avenue N.W.  
Washington, DC 20036  
Tel: (202) 955-8500  
Fax: (202) 467-0539  
Email: hwalker@gibsondunn.com

-and-

**JACKSON WALKER LLP**

Bruce J Ruzinsky  
1401 McKinney Street, Suite 1900  
Houston, TX 77010  
713-752-4200  
713-308-4184 (fax)  
Email: bruzinsky@jw.com

4. Other Interested Parties (Defendants and counterclaim/third-party plaintiffs (the “Excluded Lenders”)):

AG Centre Street Partnership, L.P.

AG Credit Solutions Non-ECI Master Fund, L.P.

AG SF Master (L), L.P.

AG Super Fund Master, L.P.

Silver Oak Capital, L.L.C.

Ascribe III Investments, LLC

Columbia Cent CLO 21 Limited

Columbia Cent CLO 27 Limited

Columbia Floating Rate Income Fund,  
a series of Columbia Funds Series Trust II

Columbia Strategic Income Fund,  
a series of Columbia Funds Series Trust I

Contrarian Capital Fund I, L.P.

Contrarian Centre Street Partnership, L.P.

Contrarian Distressed Debt Fund, L.P.

Gamut Capital SSB, LLC

North Star Debt Holdings, L.P.

Shackleton 2013-III CLO, Ltd.

Shackleton 2013-IV-R CLO, Ltd.

Shackleton 2014-V-R CLO, Ltd.

Shackleton 2015-VII-R CLO, Ltd.

Shackleton 2017-XI CLO, Ltd.

Z Capital Credit Partners CLO 2018-1 Ltd.

**FRIEDMAN KAPLAN SEILER ADELMAN  
& ROBBINS LLP**

Lawrence S. Robbins (admitted pro hac vice)  
Eric Seiler (admitted pro hac vice)  
Anne E. Beaumont (admitted pro hac vice)  
Elizabeth Bierut (admitted pro hac vice)  
Jamuna D. Kelley (admitted pro hac vice)  
Blair R. Albom (admitted pro hac vice)  
7 Times Square  
New York, NY 10036-6516  
(212) 833-1100  
Email: lrobbins@fklaw.com  
eseiler@fklaw.com  
abeaumont@fklaw.com  
jkelley@fklaw.com  
balbom@fklaw.com

*Attorneys for the Excluded Lenders*

-and-

**PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP**

Kenneth S. Ziman (admitted pro hac vice)  
Brian S. Hermann (admitted pro hac vice)  
Lewis R. Clayton (admitted pro hac vice)  
Andrew J. Ehrlich (admitted pro hac vice)  
Michael J. Colarossi (admitted pro hac vice)  
1285 Avenue of the Americas  
New York, NY 10019  
(212) 373-3000  
Email: kziman@paulweiss.com  
bhermann@paulweiss.com  
lclayton@paulweiss.com  
aehrlich@paulweiss.com  
mcolarossi@paulweiss.com

Z Capital Credit Partners CO 2019-1 Ltd.

*Attorneys for the Excluded Lenders  
with respect to Plaintiffs' Claims and  
Counterclaims Only*

-and-

**PORTER HEDGES LLP**

John F. Higgins (TX 09597500)

M. Shane Johnson (TX 24083263)

Megan N. Young-John (TX 24088700)

1000 Main Street, 36th Floor

Houston, TX 77002

(713) 226-6000

Email: [jhiggins@porterhedges.com](mailto:jhiggins@porterhedges.com)

[sjohnson@porterhedges.com](mailto:sjohnson@porterhedges.com)

[myoung-john@porterhedges.com](mailto:myoung-john@porterhedges.com)

*Attorneys for the Excluded Lenders  
with respect to Plaintiffs' Claims and  
Counterclaims Only*

Dated: April 7, 2023  
Houston, Texas

Respectfully submitted,

**McKOOL SMITH, PC**

/s/ John J. Sparacino

John J. Sparacino (SBN 18873700)

S. Margie Venus (SBN 20545900)

Regan S. Jones (SBN 24110060)

**McKOOL SMITH, PC**

600 Travis Street, Suite 7000

Houston, Texas 77002

Telephone: (713) 485-7300

Facsimile (713) 485-7344

jsparacino@mckoolsmith.com

mvenus@mckoolsmith.com

rjones@mckoolsmith.com

-and -

Michael Shuster (admitted *pro hac vice*)

Vincent Levy (admitted *pro hac vice*)

Neil R. Lieberman (admitted *pro hac vice*)

Alison B. Miller (admitted *pro hac vice*)

Brian T. Goldman (admitted *pro hac vice*)

Patrick J. Woods (admitted *pro hac vice*)

**HOLWELL SHUSTER & GOLDBERG LLP**

425 Lexington Avenue

New York, New York 10017

mshuster@hsgllp.com

vlevy@hsgllp.com

nlieberman@hsgllp.com

amiller@hsgllp.com

bgoldman@hsgllp.com

pwoods@hsgllp.com

***Counsel for the LCM Appellants***

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Notice of Appeal and Statement of Election was served by electronic delivery on all persons and entities receiving ECF notice on April 7, 2023.

/s/ John J. Sparacino  
John J. Sparacino